

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 7-8, 2006

Prepared August 7, 2006

ITEM NUMBER: —

SUBJECT: **Consideration of Mandatory Penalty Order No. R3-2006-0083, City of Paso Robles Wastewater Treatment Plant & Water Division, San Luis Obispo County**

KEY INFORMATION:

Discharger:	City of Paso Robles
Facility Name:	Paso Robles Wastewater Treatment Plant (WWTP) & Water Division
Type of Waste:	Municipal wastewater & water supply discharges
WWTP Address:	3200 Sulphur Springs Road, Paso Robles, San Luis Obispo County
Treatment (WWTP):	Secondary (trickling filters), clarification, chlorine disinfection
Design Flow:	4.9 mgd
Current Flow:	2.82 mgd
Disposal (WWTP):	Discharge to a series of six ponds, which overflow to the adjacent Salinas River
Existing Orders:	Waste Discharge Requirements (WDR) Order No. R3-2004-0031, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047953 & WDR Order No. 01-119, NPDES Permit No. CAG993001
This Action:	Issue mandatory penalty order

SUMMARY

Proposed Mandatory Penalty Order No. R3-2006-0083 (Attachment 1) settles two mandatory penalty complaints recently issued to the City of Paso Robles (Discharger). The Discharger proposed a supplemental environmental project (SEP) to develop a Salinas River Corridor Master Plan and waived its right to a hearing for both complaints. The proposed Order assesses manda-

tory penalties of \$36,000. It allows \$27,000 of that to be directed to development of the Salinas River Corridor Master Plan.

DISCUSSION

Background. The Executive Officer issued Mandatory Penalty Complaint No. R3-2006-52 (Attachment 2) to the Discharger on May 30, 2006, for several effluent violations of Waste Discharge

Requirements Order No. R3-2004-031, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047953, at the Discharger's wastewater treatment plant. Those violations occurred from July 1, 2004, through February 28, 2006. Complaint No. R3-2006-52 proposed that the Discharger be assessed mandatory penalties of \$33,000, and provided that the Discharger may direct up to \$24,000 of the mandatory penalties to a SEP.

The Executive Officer also issued Mandatory Penalty Complaint No. R3-2006-0064 (Attachment 3) to the Discharger on July 12, 2006, for a late report violation of Waste Discharge Requirements Order No. 01-119, NPDES Permit No. CAG993001, by the Discharger's Water Division. The Complaint proposed that the Discharger be assessed a mandatory penalty of \$3,000, and provided that the Discharger may direct the entire penalty to an SEP.

Supplemental Environmental Project.

In a July 3, 2006 letter, the Discharger proposed directing \$24,000 of the mandatory penalty to an SEP to produce the *Salinas River Corridor Master Plan*. According to the proposal,

"The River Corridor Master Plan will be both illustrative and narrative, containing key policies to guide future preservation and development of the river; and containing implementation steps essential to improving the health of the river corridor over time, including conservation and water quality steps. The Master Plan is intended to serve as a foundation for a more detailed set of

projects and/or River Management plans in the future."

The Discharger estimates the project will cost \$29,000 and will be completed in the first quarter of 2007.

The Salinas River Corridor Master Plan qualifies as an SEP in accordance with the State Water Resources Control Board's Water Quality Enforcement Policy, Resolution No. 2002-0040. The SEP should benefit water quality, provide a benefit to the public at large, and is not otherwise required of the Discharger. The SEP will not directly benefit Water Board functions or staff. Staff strongly supports development of the Salinas River Corridor Master Plan.

In a letter dated July 19, 2006, the Discharger also proposed directing all \$3,000 of the Water Division mandatory penalty to the Salinas River Corridor Master Plan SEP.

Settlement. Staff notified the Discharger of its intent to recommend that a combined total of \$27,000 be directed to the Salinas River Corridor Master Plan SEP, and the remainder of the mandatory penalties (\$9,000) be directed to the State's Cleanup and Abatement Account. The Discharger agreed not to contest staff's recommendation and waived its right to a hearing for both Complaint Nos. R3-2006-0052 and -0064 on July 28, 2006 (Attachment 4).

Although the Water Board recently authorized the Executive Officer to settle enforcement matters up to \$100,000, staff and our attorneys have not yet determined the most appropriate and efficient way to memorialize such a settlement. California Water Code

section 13323 requires a Water Board hearing to be conducted within 90 days after a party has been served with a complaint. The proposed Order is the most efficient manner to comply with this requirement. The Order is proposed on the consent calendar because the Discharger waived its right to a hearing.

Proposed Order. The proposed Order assesses a total mandatory penalty of \$36,000. It requires the Discharger to submit written proof of payment of \$27,000 to the Salinas River Corridor Master Plan Fund by October 31, 2006, and an electronic and hard copy of the final Salinas River Corridor Master Plan by April 30, 2007. The Discharger must also submit a post-project accounting of expenditures by April 30, 2007. If the final total cost of the project is less than \$27,000, the Discharger must remit the difference to State Water Resources Control Board by April 30, 2007.

The Discharger must also submit a \$9,000 check to State Water Resources Control Board by October 7, 2006.

CEQA

The proposed enforcement action is taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with California Code of Regulations, Title 14, Sections 15307 and 15308.

RECOMMENDATION

Staff recommends adoption of Mandatory Penalty Order No. R3-2006-0083.

ATTACHMENTS

1. Mandatory Penalty Order No. R3-2006-0083
2. Mandatory Penalty Complaint No. R3-2006-52
3. Mandatory Penalty Complaint No. R3-2006-0064
4. Signed Waiver of Hearing Forms

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